

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2023 JAN 17 AM 10:15  
CLERK-LAS CRUCES

Eddie Aguilera  
Name  
6875 unicorn lane  
las Cruces NM 88012  
Address

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Eddie Aguilera, Plaintiff  
(Full Name)

CASE NO. 23-CV-41-GBW  
(To be supplied by the Clerk)

City of las Cruces  
v.  
Mayor Ken Miyagishima  
Miguel Dominguez  
Guillermo Ibarra  
Jaimé Arroyo  
Officer 3 (unknown)  
Christopher Gomez  
Defendant(s)

CIVIL RIGHTS COMPLAINT  
PURSUANT TO 42 U.S.C. § 1983

A. JURISDICTION

1) Eddie Aguilera, is a citizen of New Mexico  
(Plaintiff) (State)  
who presently resides at 6875 unicorn lane las Cruces  
(Mailing address or place of confinement)  
New Mexico 88012

2) Defendant City of las Cruces is a citizen of  
(Name of first defendant) new Mexico  
Las Cruces 700 North Main Street, and is employed as  
(City, State)  
las Cruces NM 88001. At the time the claim(s)  
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☒

No ☐

If your answer is "Yes", briefly explain:

On several accounts officers in full uniform falsely arrested me, unlawfully stopped the vehicle I was in and took my personal phone a violation of my Constitutional Rights

(Mayor)

- 3) Defendant Ken Miyagishima is a citizen of Las Cruces (Name of second defendant) 700 N Main Street (City, State) New Mexico, and is employed as

Mayor of Las Cruces NM 88001 At the time the claim(s) (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒No ☐

If your answer is "Yes", briefly explain:

officers for the City of Las Cruces committed for acts directly against my right to life itself

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

Direct violation to my right to life  
5th amendment  
8th amendment  
14th amendment  
4th amendment  
violations

## B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

after a number of 911 calls placed by myself in reference to attempts to people attempting to end my life officers neglectfully refused to look at video I captured, that showed city vehicles involvement in this acts But officers wrongfully without warrant taking my phone falsely arrested me on two separate accounts illegally searched my phones in attempts to cover up illegale acts committed by city officials



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5) Defendant chief of Police Miguel Dominguez is a citizen of Las Cruces New Mexico and is employed as (Chief of Police) at the time the claims are alleged in this Complaint arose was this Defendant acting under Color of State ☒ YES ☐ NO if your answer (is yes) briefly explain: Being that number of people involved that work for the police Department that clearly commit acts that violate the Constitution of the United States of America once must believe that they were not isolated actions by what can be deemed a bad apple. But a pattern rooted to systematic deficiencies within the police Department being with the chief of police

6) Defendant Guillermo Ibarra is a citizen of Las Cruces New Mexico and is employed as Police Officer for the City of Las Cruces at the time of the claim alleged in this Complaint arose was this defendant under the color of State ☒ YES ☐ NO if yes. Briefly explain. on 1-17-2022 this officer arrested me falsely for case Number 2022-00003863 when eye witnesses never stated an accident



- occurred Nov. ~~2021~~ was I positively identified officer Cohersted the witnesses on what to say but were unable to positively identify me as witnesses stated it was a heavy set hispanic bald about 5'10 inches tall, as I am not bald heavy set I am 6'2 inches tall after I was arrested officers wrongfully searched my vehicle without warrant and seized my phone again to cover up city involvement and erase video and pictures I had on my phone

- 7) Defendant Jaime Arroyo is a citizen of Las Cruces New Mexico and is employed as Police officer for the City of Las Cruces at the time of the claim alleged in this complaint. Carose was the Defendant acting under color of State. Yes ☒ No ☐  
 if yes briefly explain: this officer stopped the vehicle under false pretense and arrested me taking me to Dona Ana County Jail where I contacted ~~Carose~~ Covid 19



8) Defendant unidentified officer case number 22-019819 is a citizen of the City of Las Cruces New Mexico and is a employee as Police officer for the City of Las Cruces at the time of the claim alleged in the Complaint arose was the Defendant acting under color of State ☒ Yes ☐ No if yes briefly explain an unidentified male was attempting to end my life so I called 911 as I had recorded the incident with my phone using the application Alfred Cam the Cops failed to Rend Aid so I walked to the Las Cruces police Department when I notified police that I had a Warrent I was placed under arrest this officer took me to Dona Ana County Jail which where the officer without Warrent took possession of My phone erasing all video



### C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

Officer ~~Joanne Arroyo (L905)~~  
Guillermo Ibarra (L903)  
violated my 4th amendment to be right  
from unlawful Search and Seizure 14 amendment

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

On 1-12-2022 officer Guillermo  
with the assistance of officer Gould  
officer Gamez and Police Service  
aid Villareal searched and seized  
all my personal belonging taking  
pictures of all my medical records  
and ultimately seizing my phone

B)(1) Count II:

violation of my 14 amendment  
these officers took my phone and erased  
all evidence I had that someone was trying  
to hunt me

(2) Supporting Facts:

the video surveillance  
shows the officers looking for something  
in my vehicle undisclosed when my  
phone was found videos show  
Villareal Police Service aid placing it  
in my truck but somehow I had to  
pick it up from Las Cruces  
Police Department



I allege that the following of my Constitutional right privilege or immunities have been violated and the the following facts form the basis for my allegations

count 1 Violation of my 14 amendment violating 8th amendment

Supporting facts

as seen on officers body cam officer Jaime arango stopped at the traffic light located on West Madrid and Alameda the officer turning North on Alameda the officer having the right of way failed to make the turn as he waited for me to pass and begins to follow me making a number of turns behind me before making the traffic stop for what he says was a failing driverside rear light. Discovering I had a warrant he arrested me took me to Dona Ana County Jail where I was wrong fully isolated, processed and released only after Contracting Covid 19 an act against my life

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☒ No ☐ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs:

Eddie Aguilera

Defendants:

City of Las Cruces Major Ken Miyagishi  
Chief of Police

b) Name of court and docket number:

United States District  
Court for the District of New Mexico  
CV 22-00078

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed

d) Issues raised:

failed to provide address  
to serve



I allege that the following of My Constitutional rights, privileges or immunities have been violated

4<sup>th</sup> amendment  
14<sup>th</sup> amendment  
5<sup>th</sup> amendment

### Supporting facts

Occurring on or around Feb 22, 2022 I called 911 as some events unfolded the 911 call scared the assailants away I managed to escape Police officers refused to look at video captured by my Alfred Cam in fear for my life I advised officers I had a warrant officers placed me under arrest transporting me to Dona Ana County Jail where the officer without warrant seized my phone a violation of my civil rights

now I have been forced out of My home because the City will not protect its citizens Law abiding citizens from malicious groups of law enforcement who have now made there own laws and fight the Constitution of the United States all for




in addition happening  
or or around Nov, 23 2022  
I went to undergo a procedure  
of removing a BB from  
my foot taking an hour  
for an incision that is  
half an inch long and  
maybe  $3/4$  of an inch deep  
the doctor failed to extract  
the BB upon looking  
at it an observing days  
after I noticed a bulge at  
the incision where you  
can feel something solid  
that was left there  
I can only assume  
it was illegally microchipped



DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at 6875 Unicorn Lane on 12-7-20 2022  
(Location) (Date)  
Las Cruces NM 8802  
  
(Signature)

e) Approximate date of filing lawsuit: 2-22-22

f) Approximate date of disposition: 9-16-22

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

*I filled a report with internal affairs but the Department failed to respond*

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

*125 million US Dollars  
changes in policy with police Department  
as well as implement an oversight  
committees as was done in  
Albuquerque NM*

\_\_\_\_\_  
Signature of Attorney (if any)

*Rose*  
\_\_\_\_\_  
Signature of Petitioner

Attorney's full address and telephone number.